

## REMARKS

The applicant's arguments for patentability in prior responses, in so far as relevant, are incorporated herein by reference.

In the Office Action, the examiner has rejected claims 9 -14 under 35 USC 103. as unpatentable (obvious) over Chen.

In contention, it is respectfully pointed out that, as claims 9 and 10 have previously been deemed allowable over Chen, (drawn to the examiner's attention in a prior information disclosure statement), a *res judica* type precedent of patentability has been established, making the present rejection over Chen moot.

Notwithstanding, as evident from col 1 lines 14-19, for example, the teaching of Chen as a whole is directed to increasing the intensity of the fire for heating - to which end the fuel receiving chamber is topped by a corrugated plate having a large number of gas admitting holes distribute evenly over the entire surface defining the top of the chamber and in both the ridges and hollows for enhanced convection.

In direct contrast to the teaching of Chen properly considered as a whole, the claimed invention is conceived to provide an elongate rectangular flame shape of low intensity/heat output emulating from only a portion of the top of the fuel receiving chamber for minimally low heat output to maximize the duration of burning by providing vapor restrictors extending from all four side walls to define an elongate, rectangular vapor exit aperture over only a portion of the top area of the chamber.

Clearly the technician seeking to provide a fuel cartridge having slow burning characteristics with an elongate rectangular flame shape for desirable appearance would not be motivated to address the teaching of Chen -having a different and, in a sense, opposite purpose- as such teaching would inevitably lead away from the solution

provided by the claimed invention.

In the current office action, the examiner has, as in the prior office action, again failed to describe the prior art in terms of the claimed invention, leaving the applicant to speculate at claimed structure which the examiner considers identical or equivalent to the prior art, representing an impermissible, conclusory approach without reasoning, inevitably resulting in incomplete examination.

The examiner has alluded to structure taught by Chen but also used terminology different from both the Chen and the claimed invention - note '...perforated rectangular shaped cover..' instead of 'plate 12' and later '..rectangular cover..', instead of 'cooking basin 3', so that the examiner's assertions may not be entirely clear.

Notwithstanding, claim 9 requires:

***"...said fuel cartridge further comprising a noncombustible, flat top wall, said top wall being rigidly joined to the left, right, front and back walls and extending parallel to the bottom wall to enclose therebetween said fuel-receiving chamber,..."***

In contrast, Chen item 3, (presumably, Examiner's rectangular cover), is not part of any cartridge structure, but a separate, loose piece, cooking basin which is not ***rigidly (fixedly) joined to the left, right, front and back walls*** walls, nor to ***enclose therebetween said fuel receiving chamber***, as required of the claimed top wall, but is evidently removable. Furthermore, item 3 is not flat, but is, intentionally, formed with an annular liquid receiving dish, and, as stated, the cover does not cooperate with the aforementioned (left, right, front and back) walls to enclose, either structurally or functionally, the fuel receiving chamber.

It is noted that the cooking basin 3 merely stands/rests (by its own weight)

removably on tabs which protrude horizontally outwards from the fuel container, positioning the solid annular portion of the cooking basin 3 horizontally outside - beyond and spaced apart from - the periphery of the fuel containing portion with the innermost edge portions of the rectangular aperture spaced apart from the burners as intended to permit unimpeded air flow to the holes 13 of the perforated plate 12 on top of the container/fuel receiving chamber 11, as desired for the convection currents required for an intense cooking flame for meats.

***“...said top wall forming noncombustible vapor restrictors which extend, rigidly, from each of the front, back, left and right walls to said rectangular vapor exit aperture,...”***

As Chen teaches that the solid, portion of the rectangular ‘cover’ 3, (the ‘cooking basin of Chen) -lies spaced apart outside the periphery of the fuel containing portion of 12, only in a location where the vapor exiting from the holes 13 is already alight/burning, under the control of the convection current producing perforations in the ridged plate 12 covering the fuel chamber 11, the cover item 3 is clearly not intended to, and cannot provide, a vapor restricting action/vapor restrictor to any substantial or material extent in the practical working environment of the invention.

In addition, Chen does not disclose or suggest the limitation of a one-piece cartridge housing structure according to claim 11. The perforate plate 12 is clearly removable (as seen in fig 2) to permit refilling.

Contrary to the examiner’s assertion, the claim language does not specify an ‘alcoholic gel’ but ‘gel fuel’. It is submitted that the examiner’s assertion that it would be reasonable to assume that Chen’s alcohol with glass fibers form a gel simply because

the fiber size is not indicated is an improper speculation. It is well established that any doubts on anticipation must be resolved in favor of the applicant.

Further, a mixture of alcohol with glass fibers cannot be deemed a 'gel fuel' as the glass fibers are incombustible.

In contending the rejection under 35 USC 112, it is pointed out that although scale drawings are not required in patent applications, the long established Patent Office policy is that dimensions of an individual figure should be in proportion. Furthermore, a comparison of measured dimensions with the dimensions given on page 14 indicate that the specified dimensions of the drawings are drawn in proportion. The values claimed are obtained simply by measuring the dimensions of the relevant parts and comparing those measured dimensions with the values of other dimensions of the drawing parts specified on page 14. An applicant is entitled to consider all elements shown in the drawings as part of the disclosure.

It is therefore submitted that, as before, the claims continue to define patentable subject matter.

Favorable reconsideration of the application is requested.

Respectfully submitted,  
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